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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,241	11/09/2001	David Schaum	SCHDPA101	9911
7590	07/01/2004		EXAMINER	MUHEBBULLAH, SAJEDA
Robert M. Downey ROBERT M. DOWNEY, P.A. 601 SOUTH FEDERAL HIGHWAY SUITE 300 Boca Raton, FL 33432			ART UNIT	PAPER NUMBER
			2174	
DATE MAILED: 07/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/045,241	SCHAUM, DAVID	
	Examiner	Art Unit	
	Sajeda Muhebbullah	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 November 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

2. Applicant has not given a post office address anywhere in the application papers as required by 37 CFR 1.33(a), which was in effect at the time of filing of the oath or declaration. A statement over applicant's signature providing a complete post office address is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (“Smith”, US 6,195,000) in view of Stimmel (US 6,678,719).

As per claim 1, Smith teaches a device for use in establishing social interaction, said device comprising:

display means for displaying a message, including information on how to contact a first person (col.3, lines 56-59; col.1, lines 45-50);

activation means operable by the first person for selectively activating said display means in order to direct said message to the attention of a second person identified by the first person to be of interest for subsequent social interaction (col.4, lines 6-10); and

wherein the second person can see the first person, obtain the information, and subsequently contact the first person in order to establish communication between the first person and the second person (col.2, lines 26-29).

Furthermore, Smith teaches the device to be able to display any message entered in by the first person which can include information on how to contact the first person (col.1, lines 65-67). Although Smith does not explicitly teach the message to include information on how to establish communication via a communication network, Stimmel teaches a method of displaying information on how to contact others through a communication network (col.3, lines 62-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Stimmel's teaching with Smith's teaching in order to provide alternative methods of contacting an individual.

As per claim 2, Smith teaches means for supporting said device on an automobile (col.3, lines 58-59).

As per claim 3, Smith teaches the activation means to be operable by the first person while the first person is driving the automobile (col.4, lines 42-44; col.2, lines 42-46).

As per claim 4, Smith teaches means for supporting said device within an automobile so that said display means is viewable from an exterior of the automobile through the windows of the automobile (col.3, lines 4-10).

Claim 5 is similar in scope to claim 3, and is therefore rejected under similar rationale.

As per claim 6, Smith teaches the display means to include illumination means for illuminating said message, said illumination means being operable between an on condition and an off condition (col.4, lines 7-10).

As per claim 7, Smith teaches the activation means to be structured and disposed for operating said illumination means between said on and off conditions (col.4, lines 7-10).

As per claim 8, Smith teaches the display means to be structured and disposed for customizing and changing said message (col.2, lines 49-52). However, Smith does not explicitly disclose the message to include the first person's e-mail address. Stimmel teaches a method of displaying information on how to contact others which includes a person's email address (col.3, lines 62-67; col.4, lines 10-16). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Stimmel's teaching with Smith's teaching in order to provide alternative methods of contacting an individual.

As per claim 9, Smith teaches the message to include any information (col.2, lines 49-52). However, Smith does not explicitly disclose the information to include the first person's Internet screen name. Stimmel teaches a method of displaying information on how to contact others which includes a person's Internet screen name (Fig.3A, *user name* 38; col.4, lines 10-16). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Stimmel's teaching with Smith's teaching in order to provide alternative methods of contacting an individual.

Claim 10 is similar in scope to claim 1, and is therefore rejected under similar rationale.

Claim 11 is similar in scope to claim 4, and is therefore rejected under similar rationale.

Claim 12 is similar in scope to claim 8, and is therefore rejected under similar rationale.

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Claim 13 is similar in scope to claim 8, and is therefore rejected under similar rationale.

Claim 14 is similar in scope to claim 6, and is therefore rejected under similar rationale.

Communications

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is **(703) 305-0720**. The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm (EST). The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 872-9306 [Official Communication]

(703) 746-9915 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sajeda Muhebbullah
Patent Examiner
June 24, 2004

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100